

PIERCE & O'NEILL, LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

4203 MONTROSE BOULEVARD
HOUSTON, TEXAS 77006
TELEPHONE (713) 634-3600
FACSIMILE (713) 634-3601

JESSE R. PIERCE

BOARD CERTIFIED — CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
WRITER'S DIRECT LINE (713) 634-3636
JPIERCE@PIERCEONEILL.COM

December 16, 2011

Hon. Mary Milloy
United States Courthouse
515 Rusk Ave., Room 9513
Houston, Texas 77002

Re: *Rydex, Ltd. v. General Motors Company, et al*
Civil Action No. 4:11-cv-00122
United States District Court for the Southern District of Texas,
Houston Division

Dear Judge Milloy:

As requested by the Court, we write to provide the status of this action as it pertains to Defendant, Mitsubishi Motors North America, Inc. ("Mitsubishi").

This action was filed by Plaintiff, Rydex, on January 12, 2011. Mitsubishi filed its answer and certain counterclaims against Rydex timely on March 16, 2011.

On June 23, 2011, together with Defendants Toyota and Subaru, Mitsubishi filed a motion for summary judgment of non-infringement of U.S. Patent 5,204,819, the patent in suit. Rydex filed its opposition to the motion on July 14, 2011, and the moving defendants filed their reply on July 25, 2011. The motion for summary judgment of non-infringement is, thus, full briefed and ready for a decision by the Court.

Briefly, the motion for judgment of non-infringement is based upon the description of accused products as asserted by Rydex, and Rydex has not disputed any relevant fact. Also, Rydex has not identified any discovery that is needed to decide the motion. The only question to be determined on the basis of the motion is whether the claims of the patent in suit, directed to fuel purchase transactions, can be interpreted to encompass the ignition-disabling anti-theft technology used in motor vehicles.

Hon. Mary Milloy
December 16, 2011
Page 2

Resolution of the motion will establish that the accused products do not infringe and, thus, dispose of this action as to the moving defendants and, it is believed, as to all defendants.

We respectfully incorporate herein by reference the comments presented in the letter submitted by Defendant, Toyota, concerning the present status of discussions concerning a protective order in this action. In the event that the parties are unable to agree to the terms of a protective order in the action, Mitsubishi expects to further raise the issue with the Court.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jesse R. Pierce", written in a cursive style.

Jesse R. Pierce

cc: All Counsel of Record